



INDIANA  
**WORKFORCE**  
DEVELOPMENT

AND ITS **WorkOne** CAREER CENTERS

**IC 4-2-6-11**  
**Post-employment waiver**

As the Appointing Authority of Department of Workforce Development, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Amy B. Marsh in his/her post-employment with MGI Consulting Group.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of  
*(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*
- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
  - IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
  - IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
  - IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

*Although it is questionable DWD's "Demand Driven Workforce System" (DDWS) would qualify as a "particular matter" Amy is requesting this waiver as a precaution in the case that it would so qualify. The DDWS is as much a strategy as it is a*

Eric J. Holcomb, Governor  
Steven J. Braun, Commissioner

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Indianapolis, IN 46204  
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*system. By using existing data and new technologies the DDWS will enable DWD to improve job demand forecasts. It will be used to develop a skills library validated by employers to better understand the skills that are needed by employers. It also will be used to align education courses and curricula using the skills library to develop educational tools that teach the skills that are in demand by employers. It also includes outreach to parents, students, and jobseekers to make sure they are informed about in-demand occupations that will match their skills and interests.*

*Amy's involvement would focus around the use of the DDWS among K-12 and higher education students and educators. As part of her employment with MGT Consulting Group she would help focus the outreach efforts to those particular stakeholders. She would provide information, run focus groups and conduct other efforts that would let the K-12 and higher education institutions to imbed the DDWS into their existing processes.*

*The nature of the role would involve some project management duties as well as advisory responsibilities.*

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

*No. Amy's role was largely programmatic, where any decisions she made were focused on providing services to other employees in the field. After policy decisions had been made Amy would provide input on the implementation of those policies providing guidance and focus on best practices.*

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

*In her new role as an educational consultant, Amy delivers services to K-12 schools, colleges and government agencies (outside Indiana). Services include (primarily) program design (i.e. curriculum, scope and sequence of educational programs at the college level and community organizations), strategic planning, connections to potential clients and cross-service providing partners, and project management.*

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

*Amy's new employer currently has no contracts with the State of Indiana/agencies of the State. However, the purpose of this waiver is to seek permission to allow MGT and Amy to respond to RFPs released by executive branch agencies when relevant and appropriately within the scope of services that MGT is able to provide. Some of these opportunities may involve DWD's*

*Demand Driven Workforce System, but would also include opportunities with other state agencies such as the Department of Education.*

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

*MGT has successfully worked with a number of state agencies in Florida, North Carolina, Kentucky, Colorado, etc. MGT is based in Tampa, FL and has consultants with varying types of expertise in education and workforce development, and can offer services at a competitive price. MGT seeks to be able to bid for contract work that may become available. This work will necessitate the skills, abilities and years of experience brought by Amy. Because of her familiarity with Indiana laws and procedures she, in her new capacity with MGT would be able to provide Indiana Agencies with much more information and analysis concerning programs design, strategic planning and project management. This would greatly benefit the public interest and the State of Indiana in particular.*

*While Amy understands that simply submitting a formal response to an RFP does not necessarily constitute Executive Branch Lobbying (See 25 IAC 6-1-1 (7)(F)). She wants to ensure that she does not invoke any of the other executive branch lobbying restrictions in the course of her responsibilities.*

*The current restrictions impose a hardship on MGT in that Amy represents sole Central Indiana presence that the company has in Indiana. To rely on other out-of-state employees to engage in the type of communications and activity that would allow the company to compete in Indiana would be logistically difficult.*

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

*The inability to contract within the state of Indiana will require MGT to cover travel costs and expenses for Amy to continue to work outside the state.*

### C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

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Steven J. Braun, Commissioner

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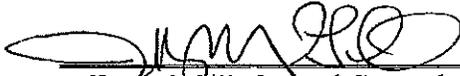
Steven J. Braun, Commissioner

1-27-17

DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



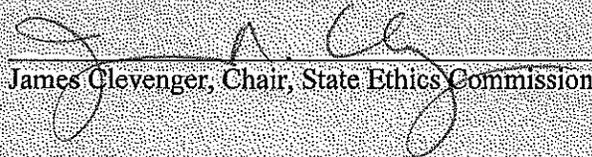
Jeffrey M. Gill, General Counsel

1.27.17

DATE

D. Approval by State Ethics Commission

**FOR OFFICE USE ONLY**  
Approved by State Ethics Commission

  
James Clevenger, Chair, State Ethics Commission

2/9/17  
Date

**Mail to:**  
Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202  
OR  
Email scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)  
*Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.*